

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIZACHEW WONDIE,

Defendant.

No. CR18-315 RAJ

GOVERNMENT'S AMENDED RULE 48(a)  
MOTION FOR LEAVE TO DISMISS

The United States of America, by and through Tessa M. Gorman, Acting United States Attorney for the Western District of Washington, and Assistant United States Attorneys Erin H. Becker and James D. Oesterle, submits this Motion for Leave to Dismiss the pending Indictment in this case pursuant to Federal Rule of Criminal Procedure 48(a).

Federal Rule of Criminal Procedure 48(a) states that the government "may by leave of court file a dismissal of an indictment . . . and the prosecution shall thereupon terminate." Given the Court's prior rulings, the government believes that the interests of justice would be best served by dismissing the pending Indictment with prejudice, as the government now believes it will be unable to prove Defendants' guilt beyond a reasonable doubt. The government has a duty to dismiss when it finds the evidence is insufficient to support a conviction. *See, e.g., United States v. Dennis*, 645 F.2d 517, 521 (5th Cir. 1981).

1 Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of  
2 the Court, the Acting United States Attorney for the Western District of Washington  
3 seeks dismissal of the pending Indictment against GIZACHEW WONDIE, with  
4 prejudice.

5 DATED this 13th day of August, 2021.

6 Respectfully submitted:

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8 TESSA M. GORMAN  
Acting United States Attorney

9 /s/ James D. Oesterle  
10 ERIN H. BECKER  
11 JAMES D. OESTERLE  
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